

BREVET MAJOR JAMES BELGER.

[To accompany bill H. R. 592.]

DECEMBER 12, 1856.

Mr. WILLIAMS, from the Committee on Military Affairs, submitted the following

REPORT.

*The Committee on Military Affairs, to whom was referred the memorial of Brevet Major James Belger, United States army, respectfully report :*

It appears from the evidence that Brevet Major Belger, whilst he was in charge of the quartermaster's department at San Antonio, Texas, through the dishonesty of his clerk, who had been employed in the service for many years, and whose previous official conduct had insured for him the greatest degree of confidence in his integrity, by means of a false entry in the monthly summary statement for the month of April, 1855, was defrauded out of \$9,300, taken from the moneys of the government then in the hands of the major for disbursement for quartermaster's stores for the use of the army. It is shown by the evidence that when Brevet Major Belger signed this monthly summary statement, the amount of expenditures within the month, as appeared on its face, not being very unusual in their aggregate, did not attract the attention nor excite the suspicion of Brevet Major Belger, though the amount of expenditures was afterwards discovered to exceed that of the vouchers in the sum of \$9,300, which amount was fraudulently appropriated to his own use by the said clerk, John S. Sheahan.

It is proven that up to April 1, 1855, the accounts of Brevet Major Belger were correct.

It is also shown that, owing to the occurrence of a difference between Brevet Major Belger and his clerk, on account of some delay in the latter in reaching the office after dinner, and his reception of a censure therefor from the major, he (the clerk) left the office and did not return. This induced the major to examine the books and vouchers, when the amount of funds alluded to was discovered to be missing, though, in the summary statement made out by the clerk for the month previous, it was concealed by means of the false entry alluded to. The information coming to the ears of the major that his late clerk was preparing to leave for Mexico satisfied him of his guilt. He had reached halfway between San Antonio and the Rio Grande when parties sent in pursuit of him by the major arrested him and brought him back. After his arrest he offered certain property to make good

the deficiency, provided he was let off; but Brevet Major Belger, from a sense of duty to prosecute the prisoner, refused to compound the felony. He was brought and tried before Judge T. J. Devine, judge of the fourth judicial district of the State of Texas, and was discharged on account of the want of jurisdiction in the State court, though the court was satisfied of his guilt. Brevet Major Belger then tried to bring him before a United States commissioner, but there was no such officer short of Austin, eighty miles distant. An express was immediately sent by General Smith with an affidavit to be placed before the United States commissioner at Austin, and another affidavit was being made for the purpose of holding Sheahan until the return of the express; but, notwithstanding every precaution was used to prevent his flight, he again escaped, and succeeded in evading the vigilance of those who pursued him.

A court of inquiry was instituted upon the application of Brevet Major Belger to examine all the transactions connected with the matter, which court concluded that the amount stated was abstracted by the said clerk, as was shown (say the court) by his attempt to escape, his offer after his arrest of certain property to make good the deficiency, by his acknowledgment to Colonel Roberts, and by his trial before Judge Devine.

Brevet Major Belger, after the last flight of the said clerk, commenced a civil suit against him in the district court of Bexar county, in the State of Texas, and had his property attached to satisfy the amount of the embezzlement. Judgment has been obtained against him, but the friends and relatives of the criminal are using all the delays of the law to postpone execution, and are apparently bent upon exhausting every means to that effect before the amount will be paid. The amount standing charged against Brevet Major Belger on his accounts with the government embarrasses him seriously. He appeals to the magnanimity and justice of Congress to relieve him, by authorizing that amount to be allowed him in the settlement of his accounts, for which he proposes to assign the judgment which he has obtained to the government, and the benefit of the attachment, which he alleges will fully satisfy the government when the means of the law's delay are completely exhausted.

The committee, looking at the high character of Brevet Major Belger as an officer, the efficiency and integrity which have ever marked his connexion with the government, and the fact that there is a prospect of the judgment and attachment refunding to the government the amount which he prays to be allowed to him in the settlement of his accounts, is indisposed to see so meritorious an officer suffer from the necessities of his arduous duties which required his confidential employment of this clerk; and looking also at his commendable refusal to have the deficit made good and compound the felony, report the accompanying bill for his relief.